THE HONORABLE BRIAN D. LYNCH 1 **CHAPTER 13 HEARING DATE: April 24, 2019** 2 **HEARING TIME: 1:30 P.M.** LOCATION: Vancouver, Washington 3 **RESPONSE DATE: April 17, 2019** 4 5 6 7 8 9 IN THE UNITED STATES BANKRUPTCY COURT FOR THE 10 WESTERN DISTRICT OF WASHINGTON AT TACOMA 11 12 In re: Case No.: 19-40662-BDL 13 CELENA ANN WILLIAMS, TRUSTEE'S OBJECTION TO CONFIRMATION WITH STRICT COMPLIANCE 14 Debtor. 15 16 COMES NOW, Michael G. Malaier, Chapter 13 Standing Trustee, and objects to 17 confirmation as follows: 18 **BACKGROUND** 19 Debtor filed this Chapter 13 case on March 7, 2019. The applicable commitment period 20 is sixty months. The case is currently in the first month and the Meeting of Creditors has been 21 completed. The bar date for filing non-governmental claims is May 16, 2019. Scheduled 22 unsecured claims total \$30,233.94. Debtor proposes to pay at least \$5,475.00 to allowed 23 nonpriority unsecured claims. 24 25

OBJECTION

\boxtimes	Plan does not meet the best interests of creditors test as required by 11 U.S.C. §
	1325(a)(4):

Debtor's plan needs to be amended to specifically commit the non-exempt proceeds from her potential personal injury claim. ECF No. 1 at 14. Debtor has amended her schedules to remove the claim without explanation and now only lists contingent insurance proceeds. As Debtor does have a potential personal injury claim, the schedules should be re-amended to disclose the claim and to claim applicable exemptions.

WHEREFORE, Trustee requests that the objection to confirmation be sustained and debtor be ordered to file a motion to confirm a plan resolving the issues raised herein within 14 days of entry of the Order Sustaining Trustee's Objection to Confirmation; and to set the hearing on the next available motion calendar after the 14 days expires. If the Motion to Confirm resolving the Trustee's issues is not filed and set for hearing as outlined above, the Trustee requests he be allowed to enter an order dismissing the case, *ex parte*, without notice.

DATED this 22nd day of April, 2019.

/s/ Mathew S. LaCroix Mathew S. LaCroix, WSBA# 41847 for Michael G. Malaier, Chapter 13 Trustee

WITH STRICT COMPLIANCE - 2

CERTIFICATE OF MAILING 1 I certify under penalty of perjury under the laws of the United States I caused to be 2 mailed via regular mail a true and correct copy of Trustee's Objection to Confirmation to the 3 following: 4 Celena Ann Williams 7129 NE 28th Ave. 5 Vancouver, WA 98665 6 The following parties received notice via ECF: 7 Ellen Ann Brown Lance E. Olsen 8 U.S. Trustee 9 Executed at Tacoma, Washington this 22nd day of April, 2019. 10 11 /s/ Tracy Maher 12 Tracy Maher Motion Coordinator for 13 Chapter 13 Trustee 14 15 16 17 18 19 20 21 22 23

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